

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION

JEFF MULLINS d/b/a MULLINS	)	
AMMUNITION, INC.,	)	
	)	No. 07 C 50245
Plaintiff,	)	
	)	
vs.	)	
	)	
RINKY DINK SYSTEMS, INC. d/b/a RD	)	
SYSTEMS, INC.,	)	
	)	
Defendant.	)	

**REPLY TO FIRST AFFIRMATIVE DEFENSES**

NOW COMES the Plaintiff, JEFF MULLINS d/b/a MULLINS AMMUNITION, INC., and for his Reply to the First Affirmative Defense of the Defendant, states as follows:

**REPLY TO FIRST AFFIRMATIVE DEFENSE**

1. That Plaintiff admits that the language in Defendant's Affirmative Defense is contained in the RD letter quotation but denies that under the circumstances of this transaction the limitation/disclaimer is binding. Furthermore, the Defendants are liable for consequential type damages under the misrepresentation Count, which is based on tort compensatory damages, not contract consequential damages.

2. That the Plaintiff denies the allegations of the Defendant's First Affirmative Defense.

WHEREFORE, the Plaintiff prays that the Court dismiss the Defendant's First Affirmative Defense or alternatively, that the fact finder determine that it is not proven by

the evidence in the case.

REPLY TO SECOND AFFIRMATIVE DEFENSE

1. That Plaintiff admits that the language in Defendant's Affirmative Defense is contained in the RD letter quotation but denies that under the circumstances of this transaction the limitation/disclaimer is binding. Furthermore, the Defendants are liable for consequential type damages under the misrepresentation Count, which is based on tort compensatory damages, not contract consequential damages.

2. That Plaintiff denies the allegations of Paragraph 2 of the Defendant's Second Affirmative Defense and in further reply states that under the circumstances of this case the Defendant is liable for tort damages under the misrepresentation count and also for express warranty damages based on the representations made by the Defendant.

WHEREFORE, the Plaintiff prays that the Court dismiss the Defendant's Second Affirmative Defense or alternatively, that the fact finder determine that it is not proven by the evidence in the case.

Dated this 14<sup>th</sup> day of May, 2008.

JEFF MULLINS d/b/a MULLINS AMMUNITION,  
INC., Plaintiff

BY: RENO & ZAHM LLP



BY: \_\_\_\_\_  
ROBERT A. FREDRICKSON

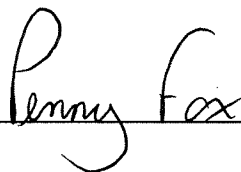
RENO & ZAHM LLP  
BY: ROBERT A. FREDRICKSON, #412  
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**CERTIFICATE OF SERVICE**

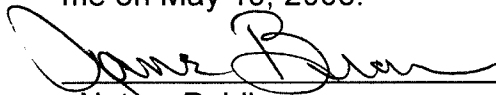
The undersigned certifies that a copy of the foregoing document was served upon the following:

Atty. Kim M. Casey  
Holmstrom & Kennedy  
P.O. Box 589  
Rockford, IL 61105  
Fax No. 815-962-7181

by telefax transmission and by depositing the same in the United States Mails, postage prepaid, addressed as above, at Rockford, Illinois on May 15, 2008.

  
\_\_\_\_\_

Subscribed and sworn to before  
me on May 15, 2008.

  
\_\_\_\_\_  
Notary Public



ROBERT A. FREDRICKSON, #412  
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